IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 591 of 2007

MOHAN LAL
V/S
BHANWAR LAL & ORS.

Mr. VISHWAJEET JOSHI, for the appellant / petitioner

Date of Order : 13.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

It is contended by the learned counsel for the petitioner that the relationship of the tenant and landlord did not establish between the parties. Therefore, defence could not be strike out.

In my view, if relationship of the landlord and tenant is not ultimately established in the suit, obviously the suit will fail, and despite striking out of defence, this defence about absence of relationship of landlord and tenant, is very much available to the petitioner. So far striking out of defence is concerned, no factual error is shown about the facts, on the basis of which strike out i.e. non-payment of rent.

Thus, I do not find any sufficient ground to interfere with the impugned order. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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